

REMARKS/ARGUMENTS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 1, 2, 4-9, and 11-53 are pending, Claims 3 and 10 have been previously canceled without prejudice or disclaimer, Claim 7 has been amended, and Claims 35-53 have been previously been withdrawn from consideration. The amendment to Claim 7 corrects an antecedent basis informality and no new matter is added.

In the outstanding Office Action, Claims 1-2, 4-9, 11-19, 21-28, and 30-34 were rejected under 35 U.S.C. §103(a) as unpatentable over Bhukhanawala (U.S. Patent No. 5,831,617) in view of Hug et al. (U.S. Patent No. 5,806,078, hereinafter Hug); and Claims 20 and 29 were rejected under 35 U.S.C. §103(a) as unpatentable over Bhukhanawala in view of Hug, and further in view of Gupta et al. (U.S. Patent No. 6,546,405, hereinafter Gupta).

Applicants respectfully traverse the outstanding ground of rejection because the outstanding Office Action fails to provide a *prima facie* case of obviousness.

To establish a *prima facie* case of obviousness, MPEP §2143 requires that three criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the references teachings. Second, there must be a reasonable expectation of success. Finally, the prior art references must teach or suggest all the claim elements. The outstanding Office Action is deficient with respect to the first requirement.

MPEP §2143.01 states “If proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *In re Gordo*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984).” Applicants respectfully submit that proposed modification of

Bhukhanawala set forth in the outstanding Office Action would render Bhukhanawala unsatisfactory for its intended purpose.

Bhukhanawala is directed to a device that provides the “feel” for temporal relations of icons.¹ Bhukhanawala discloses that the idea is to browse temporally grouped icons in an intuitive movie like manner by “rewinding” to a past version or “forwarding” to a more recent version.² By including different files in a “movie icon,” the temporal order of different variations of the icon may be viewed and the above-noted idea is realized.

In order to access file icons in a movie like manner, a user is required to follow a temporal browsing sequence in an intuitive movie like fashion.³ When a user needs to access an older or newer version of the file, the user can “rewind” or “forward” the movie by a specified time amount.⁴ Thus, browsing through the older and newer versions of a file becomes intuitive like browsing movies.⁵

Therefore, the intended purpose, as disclosed Bhukhanawala, is to browse temporally grouped icons in an intuitive movie like manner by “rewinding” to a past version or “forwarding” to a more recent version.

The proposed modification of Bhukhanawala, as set forth in the outstanding Office Action, renders Bhukhanawala unsatisfactory for the above-noted purpose.

Hug describes a version management system for storing and retrieving changes to spreadsheet and word processor documents.⁶ An original document and all alternative versions are stored in a delta format, i.e. storing only the differences from a prior document version, in a common difference data file and version data file.⁷

¹ Bhukhanawala, col. 1, lines 42-43.

² Bhukhanawala, col. 1, lines 58-60.

³ Bhukhanawala, col. 2, lines 6-7.

⁴ Bhukhanawala, col. 2, lines 25-28.

⁵ Bhukhanawala, col. 3, lines 58-59.

⁶ Hug, Abstract.

⁷ Hug, Abstract, and col. 1, lines 51-53.

The version management system of Hug does not allow a user to browse temporally grouped icons in an intuitive movie like manner by “rewinding” to a past version. Thus, modifying Bhukhanawala with the teachings of Hug, will render Bhukhanawala unsatisfactory for its intended purpose.

The version management system of Hug only allows a user to start with an original document and move forward to later versions. *See, Hug*, col. 5, lines 17-60, where Hug discloses that if a user selects version 3 of a file to view, the version manager will first retrieve version 1 of the file, then retrieve version 2 of the file, update version 1 of the file with version 2 of the file, then retrieve version 3 of the file, and then update the file created from versions 1 and 2 with version 3 of the file. There is no description or suggestion of starting with version 3 of a file and regressing or “rewinding” to version 1 of the file. In Hug, if a user wanted to see version 1 of a file, the user would just select version 1 of the document and would not browse through different versions of the document in a movie like manner to “rewind” to the earlier version.

Furthermore, the version management system of Hug does not allow a user to browse temporally grouped icons in an intuitive movie like manner by “forwarding” to a newer version. The forward moving process described above (i.e. starting with version 1 and constructing version 3) is not done in a movie like manner. Hug does not create the “feel” for temporal relations as Bhukhanawala does. In addition, Hug does not describe or suggest that each version of the document is displayed to the user as construction is occurring. The displaying of each version of the document during “forwarding” or “rewinding” is what in a movie like manner encompasses.⁸

Thus, the version management system disclosed by Hug does not facilitate “rewinding” and “forwarding” in a movie like fashion to “feel” the temporal relationship

⁸ See, Bhukhanawala, Fig. 1b which shows how the display changes in time. See reference numbers 21 (display shows a square), 23 (display shows a square and a circle), and 25 (display shows square, circle, and polygon).

between different versions of a computer file. Applicants respectfully submit that modifying Bhukhanawala with the teachings of Hug, will render Bhukhanawala unsatisfactory for its intended purpose and a *prima facie* case of obviousness has not been established.

Accordingly, Claims 1, 2, 4-9, and 11-34 patentably distinguish over the cited references. Furthermore, Applicants respectfully request that withdrawn Claims 35-53 be rejoined and allowed with Claims 1 and 15, from which Claims 35-53 depend.

Consequently, in light of the above discussion, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)

I:\ATTY\JW\203738US\203738US_AM DUE 11-23-05.DOC